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JAN 26 2012

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK
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LAKE CHARLES DIVISION

THE SWEET LAKE LAND AND OIL : DOCKET NO. 2:09 cv 1100
COMPANY, LIMITED LIABILITY
COMPANY

VS. : JUDGE MINALDI

EXXON MOBIL CORPORATION, ET : MAGISTRATE JUDGE KAY
AL.

MEMORANDUM ORDER

Before the court is Vernon E. Faulconer, Inc.'s ("VEFI") Motion in Limine (Rec. Doc. 378) to exclude "impermissible commentary." Sweet Lake Land and Oil Company, L.L.C. ("Sweet Lake") filed an Opposition (Rec. Doc. 416).

VEFI seeks to prevent plaintiff's counsel from:

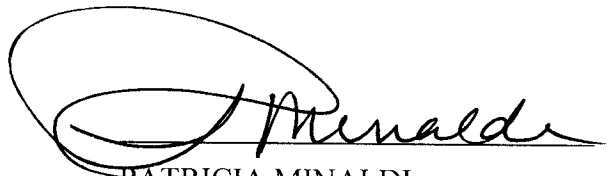
- 1) Making personal comments on the reliability of a particular witness or evidentiary exhibit;
- 2) Suggesting to the jury that VEFI was the operator of any well which caused contamination to the plaintiff's property; and
- 3) Commenting on personal theories, speculation or conjecture.

Sweet Lake suggests that the portion of the motion that seeks to exclude impermissible commentary and/or commenting on personal theories, speculation or conjecture should be denied as it is a waste of the court's time and seeks an order reciting ethical rules by which all attorneys are bound. Such a vague, overly broad motion that is not tailored to an actual dispute in the case is a waste of the Court's time and resources. The Court DENIES the defendant's motion. *Broachus v. CSX*

Transp., Inc., 2009 WL 1402025, *2 (E.D.La., 2009). All parties are cautioned about filing such overly broad motions that are not tailored to an actual dispute in this case. Such motions, which waste the court's time and resources, may subject the filing parties to sanctions.

VEFI's attempt to prohibit plaintiff's counsel from making any reference to the jury that VEFI was the operator of any well which caused contamination to the plaintiff's property is DENIED. Sweet Lake does not contest that its expert did not find any contamination at the No. 2 well (sn 144409) site and the court has previously granted a summary judgment on this issue (Rec. Doc. 305). This does not prohibit Sweet Lake from arguing that VEFI negligently used and/or closed the Big Pit in violation of Statewide Order 29-B, which alleged resulted in contamination to Sweet Lake's property.

Lake Charles, Louisiana, this 26 day of January, 2012.

A handwritten signature in black ink, appearing to read 'P. Minaldi', with a large, loopy initial 'P'.

PATRICIA MINALDI

UNITED STATES DISTRICT JUDGE